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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,291	04/18/2000	Brett B. Stewart	5285-04800	2017

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EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 06/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,291

Applicant(s)

STEWART ET AL. 

Examiner

Thuan N. Du

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claim 49 has been added.
2. Claims 1-49 are presented for examination.
3. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, 14 and 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Brunner, U.S. Patent No. 6,298,234.

6. Regarding claims 1 and 44-47, Brunner teaches a method for providing access to a network system comprising the steps of:

receiving, at a first access point (MSC 106), identification information from a portable computing device, wherein the identification information indicates a network provider of a plurality of possible network providers [col. 3, lines 52-65; col. 4, lines 17-20];

determining the network provider for the portable computing device after receiving the identification information [col. 4, lines 15-16, 20-22, 36-41];

receiving, at the first access point, data from the portable computing device [col. 4, lines 52-55];

providing network access to the portable computing device through the network provider determined in said determining step [col. 4, lines 48-52].

7. Regarding claim 2, Brunner teaches the step of providing the data received from the portable computing device to a destination based on the determined network provider [col. 4, lines 52-55].

8. Regarding claim 3, Brunner teaches that the network system is usable by subscribers of each of the plurality of possible network provider [col. 3, lines 62-63; col. 4, lines 8-11].

9. Regarding claim 5, Brunner teaches that the network system includes a memory medium which stores a data structure comprising a list of identification information [subscriber database 109] and a corresponding list of the plurality of possible network providers [ISP database 110];

wherein said determining the network provider for the portable computing device includes accessing the memory medium and using the received identification information to determine the network provider [col. 3, lines 61-65; col. 4, lines 20-22].

10. Regarding claim 14, Brunner teaches that the first access point communicates with the portable computing device in a wireless fashion [Fig. 1].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4, 6-13, 15-43, 48 and 49 rejected under 35 U.S.C. 103(a) as being unpatentable over Brunner, U.S. Patent No. 6,298,234.

13. Regarding claim 4, it would have been obvious to one of ordinary skill in the art to use the well known Authorization, Authentication and Accounting (AAA) server to control the internet usage amount of the portable computing device and to charge the portable computing device for accessing the internet.

14. Regarding claims 6 and 7, since Brunner teaches the network system includes a memory medium which stores a data structure comprising a list of identification information [subscriber database 109] and a corresponding list of the plurality of possible network providers [ISP database 110], therefore, Brunner obviously teaches associated methods for providing data to the respective plurality of possible network providers.

15. Regarding claim 8, it would have been obvious to one of ordinary skill in the art to recognize that more than one access points can be maintained by a network provider.

16. Regarding claim 9, Brunner teaches that the portable device provides an unique ID to identify the network provider of the plurality of possible network providers [col. 3, lines 53-59].

17. Regarding claim 10, it would have been obvious to one of ordinary skill in the art to recognize that more than one portable computing devices can communicate with the first access point for connecting to the internet.

18. Regarding claim 11, Brunner teaches that the portable computing device accesses to the internet via a Roaming Internet Access (RIA) service, therefore, it would have been obvious to

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one of ordinary skill in the art to recognize that the plurality of access points are arranged at locations in a geographic region known to the home agent.

19. Regarding claims 12, 13 and 48, it would have been obvious to one of ordinary skill in the art to use the well known Authorization, Authentication and Accounting (AAA) server to control the access level for the portable computing device.

20. Regarding claims 15-19, these claims are directed to method steps for wireless communication between the first access point and the portable computing device of claim 14. As stated above, Brunner teaches the invention substantially as set forth in claim 14. At the time of the invention, one of ordinary skill in the art would have readily recognized that Brunner may obviously also teach the method steps of claim 14 as set forth in claims 15-19. As such, claims 15-19 are rejected under the same rationale with respect to claim 14.

21. Regarding claim 20, it would have been obvious for the first access point communicates with the portable computing device in a wired fashion.

22. Regarding claims 21-43 and 49, Brunner teaches the claimed method steps. Therefore, Brunner teaches the apparatus to implement the claimed method steps.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292 or via e-mail, **thuan.du@uspto.gov**. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:


- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

and/or:

(703) 746-5668 (use this fax number, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication).

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Thuan N. Du
June 5, 2003